

Tax Havens

Abstract

The issue of tax havens is a frequently discussed topic of recent years, both by taxpayers and tax advisors and by the financial administration. This is due to EU and OECD activity in this area and increased legislative activity regulating harmful practices of tax havens

The aim of this work is to summarize tax havens. Therefore, will I focus on states in Europe, multinationals and direct corporate taxation. The main initiatives are the OECD initiative against BEPS and the EU tax avoidance package (ATAD, CCCTB, CCTB, DAC). Tax havens can be simply defined as states in which the taxpayer is less taxed than the in the state of source of income. In a broader sense, it is not only lower taxation but also mediation of the lack of transparency of beneficial owners towards the tax authorities in the state of the source of income. In the first part of this thesis I deal with the basic terms that are connected to tax havens. These are the elements of the tax, the definition of tax havens, tax evasion, tax avoidance, tax optimization, tax planning. The second part deals with the symptoms of tax havens, where I show examples of harmful practices. In this section, I focus on Double Irish with Dutch Sandwich, transfer pricing, abuse of double tax treaties, harmful tax practices in relationship to tax rulings. Within this section, individual symptoms are shown on specific cases in which harmful practices were used. The third part builds on the second part because I analyse the legislation that was created to prevent harmful practices. At the beginning of the third part, I make a general introduction and then I focus on four major areas, all of which are the result of EU legislative activity. Anti-Tax Avoidance Package, which includes the ATAD, CCTB and CCCTB and DAC Directives. I devote more attention to these three areas. The reader can learn about the concrete expressions of these directives on the Czech law. At the end of the third part I deal with lists of tax havens. Part of the aspects of the fight against tax havens is the basis for the last part, which is *de lege ferenda* solution. In *de lege ferenda* solution I give the reader my view of the ideal state of tax havens regulation.

Key words:

tax, directive, planning

